

2010

Yar. No. 328248

IN THE SUPREME COURT OF NOVA SCOTIA
BETWEEN:

Trout Point Lodge, Limited, *a Nova Scotia Limited
Company*

-and-

Louisiana Media Company, LLC, *a Delaware Limited
Liability Company*

Defendant



Affidavit of Charles Leary
Sworn on October 7, 2011

I affirm and give evidence as follows:

1. I am Charles Leary of Kemptville, Yarmouth County, Nova Scotia. I am also a Managing Director of Trout Point Lodge, Limited.
2. I have personal knowledge of the evidence affirmed in this affidavit except where otherwise stated to be based on information and belief.
3. I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
4. In July, 2011, I served an Order from the Supreme Court of Nova Scotia on Cox Communications and AT&T Mobility, LLC. Both companies responded. Both said, first, that they had no materials responsive to the order—which was for identifying information related to a specific IP address, date, & time—and second, that in any event they would require a United States court order. This was for information on Wordpress users Telemachus and unslabbed.
5. Attached hereto as Exhibit "A" are relevant pages from a complaint I filed with the Nova Scotia Human Rights Commission. I verily believe the information I submitted to the Commission.



6. On August 14, 2011, Daniel Abel sent me an email with the subject line, in part, "Have you seen this. . . ."
7. In the email, Mr. Abel pasted into the body of the message the following link to an archive.org web site:
<http://www.archive.org/details/JeffersonParishSteveTheriotVersusNola.comAnonymousCommenters>
8. I used my computer and the Internet to go to this url. It contained video from WVUE Television of an interview of Doug Handshoe by reporter Val Bracy. The date of the broadcast was May 11, 2010. It appears to me from the web site that Val Bracy posted this information to the archive.org site.
9. In addition to the Internet video, there is a transcription of the broadcast. In both the video and the transcript, Ms. Bracy identifies "Doug Handshoe, co-creator of the blog spot Slabbed."
10. Attached hereto as Exhibit "B" are printouts of chronologically arranged posts on the slabbed blog that mention Fox 8 News and Val Bracy. I downloaded and printed these "slabbed" publications. I verily believe them.
11. Attached hereto as Exhibit "C" are comments posted by the wordPress.com user Novelle Ecosse. I downloaded and printed these comments and verily believe them.
12. Attached hereto as Exhibit "D" are the Privacy Policies of Yahoo! and Google. I downloaded and printed these policies. I verily believe them.
13. Attached hereto as Exhibit "E" are true copies of the Nova Scotia Registry of Joint Stocks registrations for Yahoo! Canada Co. and Google Canada Corporation.
14. On October 5, I sent attorney Charles Reagh a Notice of Motion for a hearing on October 18, 2011. I called Mr. Reagh at his office and he acknowledged receiving my email.
15. In May, 2011 I filed a motion in this proceeding using Civil Procedure Rule 14.12 ^{CLL} to request an order seeking identifying information regarding certain blog posters

on this same blog, slabbed. An important part of what I was seeking was to identify the publisher of the blog, who writes using the pseudonym Sop81_1.

16. On information and belief, I now know that Doug Handshoe is Sop81_1. I base this in part on email address information released by Automattic, Inc. stating that the email address for Sop81_1 is dkhcpa@gmail.com.

17. On April 18, 2011 on slabbed, Sop81_1 published the contents of a letter written to the host for the web site slabbed.org, a company known as GoDaddy. It was signed:

Sincerely,

Doug
Doug Handshoe
Slabbed New Media LLC
Post Office Box 788
Wiggins, MS 39577

<http://slabbed.wordpress.com>

18. In August, 2011 I accessed the business search part of the online database of the State of Mississippi. Slabbed New Media, LLC was registered with the Secretary of State on April 11, 2011. Douglas Handshoe is listed as the sole member and incorporator of the Limited Liability Company.

19. I monitored the blog slabbed during the month of April, 2011. At that time, slabbed ceased publication on wordpress.com for a period of time, and moved all of its content to the url slabbed.org. One day, I found that slabbed.org ceased publication of any content. The blog content was then again moved back to slabbed.wordpress.org. According to information published on the slabbed blog by Sop81_1, GoDaddy ceased publication of slabbed because the blog was accused of copyright violation by an attorney for Advance Publications, Inc. I read and verily believe these statements.

20. On August 25, 2011 a lawsuit was filed by Anne Marie Vandenweghe against Jefferson Parish and Steve Theriot; it was obtained and published on slabbed before it was made public by any news organization. It is attached hereto as Exhibit "F".

21. In that law suit, Vandenweghe admits—as part of her claims—that she discovered “payroll irregularities” in “January, 2010” while performing a Public Record Request from “Channel 8 Fox News.” I know that Channel 8 Fox is WVUE, owned by Louisiana Media Company, LLC, the defendant in Supreme Court of Nova Scotia file Yar No 328248.
22. She does not say when the Public Record Request was filed.
23. On March 6, 2010, Sop81_1 (Doug Handshoe) wrote a post on Slabbed that states that Anne Marie Vandenweghe was interviewed by WVUE's Val Bracy on or around that same date, before any public broadcasts had been made by WVUE.
24. On March 8, 2010, Sop81_1 published: “Val Bracy evidently taped an extensive interview with Ms Vandenweghe, the second part of which aired at 5pm today.”
25. I have read numerous Slabbed blog publications. In them, Mr. Handshoe as Sop81_1 states that he speaks with Anne Marie Vandenweghe. In a post on September 3, 2011, entitled “Heebe's whores,” Handshoe writes: “Since we began covering news in metro New Orleans it has come to my attention there is a veritable cottage industry engaged in speculation as to this blog motivations, recently encapsulated by an incredibly ignorant remark left on NOLA recently that Slabbed was Anne Marie Vandenweghe's “alter ego”. What Slabbed is in reality is the distillation of a variety of sources that often have divergent opinions. . . . Along those lines I've never hidden the fact I've spoken with AMV as she is a great source and frankly given the skins we've hung on this topic I hope that fact is self-evident.”
26. Val Bracy interviewed Aaron Broussard on January 6, 2010 and posed questions to him about Trout Point Lodge and his Nova Scotia activities.
27. I have watched all available video of the interview by Val Bracy of Aaron Broussard taped on January 6, 2010. I have watched this video and associated news broadcasts at least 3 times each.

28. In broadcasts made on the evening of January 6, 2010, WVUE showed video of a letter of complaint about Aaron Broussard from Rafael Goyeneche of the Metropolitan Crime Commission to the Louisiana State Ethics Board.
29. WVUE had also taped an interview with Rafael Goyeneche on or around but not later than January 6, 2010, in which Mr. Goyeneche responded to comments made by Mr. Broussard in his interview.
30. In a February 10, 2011 letter from Daniel Lund, attorney for the Metropolitan Crime Commission, he informed me that the Commission was a Crime Stopper Organization. I researched Crime Stopper legislation in Louisiana and found the following: RS 15:477.1 Privileged communications to "crime stoppers" organizations

§477.1. Privileged communications to "crime stoppers" organizations

A. As used in this Section, the following terms shall have the following meanings unless the context clearly requires otherwise:

(1) "Crime stoppers organization" means a private, nonprofit organization that accepts and expends donations for rewards to persons who report to the organization information concerning criminal activity and that forwards the information to the appropriate law enforcement agency.

(2) "Privileged communication" means a statement by any person, in any manner whatsoever, to a crime stoppers organization for the purpose of reporting alleged criminal activity.

B. No person shall be required to disclose, by way of testimony or otherwise, a privileged communication between a person who submits a report of alleged criminal activity to a crime stoppers organization and the person who accepts the report on behalf of a crime stoppers organization or to produce, under subpoena, any records, documentary evidence, opinions, or decisions relating to such privileged communication:

(1) In connection with any criminal case or proceeding.

(2) By way of any discovery procedure.

C. Any person arrested or charged with a criminal offense may petition the court for an in camera inspection of the records of a privileged communication concerning such person made to a crime stoppers organization. The petition shall allege facts showing that such records would provide evidence favorable to the defendant and relevant to the issue of guilt or punishment. If the court determines that the person is entitled to all or any part of such records, it may order production and disclosure as it deems appropriate.

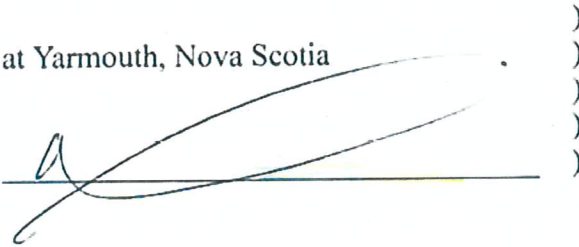
Acts 1985, No. 790, §1.

31. In April, 2011 I received an email containing a true copy of the letter of complaint filed with the Ethics Board. It is attached hereto as Exhibit "G". I verily believe this letter. It was date stamped as received on January 7, 2010. The letter did not mention Trout Point Lodge, but simply referred to Aaron Broussard's "lodge" in Nova Scotia and having received tips from anonymous sources.
32. Aaron Broussard owned land near Trout Point Lodge and has never had any ownership interest in Trout Point Lodge. Mr. Broussard has, to my knowledge and belief, sold all properties in Nova Scotia owned wholly by him or in partnership with others. Trout Point Lodge no longer rents out or manages any properties owned by Broussard.
33. Attached hereto as Exhibit "H" is a printout of a Search Engine Ranking Report performed using Mikes Marketing Tools—a common search engine ranking tool that I have used for over 5 years. It shows where in search rankings on Google and Yahoo! queries for "Trout Point Lodge," Vaughn Perret, and Charles Leary appear. If one queries Vaughn Perret, for example, the slabbed blog shows up as result 16 on Google, 23 on Yahoo (and 9 on AOL).
34. Attached hereto as Exhibit "I" is a printout I did on or around October 4, 2011 which shows that publications about Trout Point Lodge are so frequent and/or prominent on the slabbed blog, that "slabbed" shows up in Google search results as a "Blog homepage for Trout Point Lodge."
35. Attached hereto as Exhibit "J" is a printout of an affidavit I received by email from Roy d'Aquila. Mr. D'Aquila's secretary told me she was sending the original in the mail.

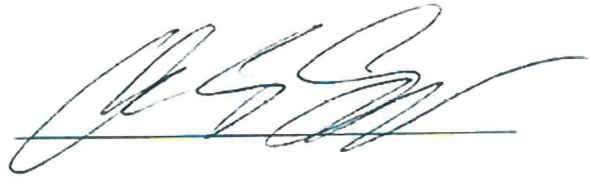
Sworn to before me)
On October 17th, 2011)
)

at Yarmouth, Nova Scotia

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A handwritten signature in black ink, appearing to be 'Elaine L. Dement', written over a horizontal line. The signature is fluid and cursive.

Print name: ELAINE L. DEMENT
CLERK OF THE SUPREME
COURT OF NOVA SCOTIA

A handwritten signature in black ink, appearing to be 'J. S. S.', written over a horizontal line. The signature is fluid and cursive.